



West Virginia State Police
725 Jefferson Road
South Charleston, West Virginia 25309-1698
Executive Office

Colonel Jan Cahill
Superintendent

December 5, 2018

Loree Stark
ACLU-WV
PO Box 3952
Charleston, West Virginia 25339

RE: FOIA Request- November 19, 2018 Incident Involving State Troopers

Dear Ms. Stark,

Please be advised that the West Virginia State Police is in receipt of your request for information of the date range of January 1, 2018, to present, please see the following:

1. Any and all correspondences related to the November 19, 2018 incident in Martinsburg involving a 16 year-old male, Trooper Derek Walker Kennedy and any other members of law enforcement.

Your request is denied as this concerns an active matter, pursuant to West Virginia Code § 29B-1-4 the following exemption applies:(4) Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement.

2. Any and all video (including, but not limited to dashcam video) relating to the November 19, 2018 incident in Martinsburg involving a 16 year-old male, Trooper Derek Walker, Trooper Michael Kennedy and any other members of law enforcement.

Your request is denied as this concerns an active matter, pursuant to West Virginia Code § 29B-1-4 the following exemption applies:(4) Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement.

3. The names and badge numbers of all department personnel who were at the scene November 19, 2018 incident and/or the events leading up to it in Martinsburg involving a 16

Integrity Fairness Respect Honesty Courage Compassion

year-old male, Trooper Derek Walker, Trooper Michael Kennedy and any other members of law enforcement.

Members present at the scene from the West Virginia State Police were Trooper First Class Derek Walker and Trooper First Class Michael Kennedy. The West Virginia State Police does not assign badge numbers.

4. Disciplinary records for Trooper Derek Walker, Trooper Michael Kennedy, and any other members of law enforcement relating to November 19, 2018 incident in Martinsburg involving Trooper Derek Walker and Trooper Michael Kennedy and a 16 year-old male.

Your request is denied as this concerns an active matter, pursuant to West Virginia Code § 29B-1-4 the following exemption applies:(4) Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement.

5. Complaints and/or legal actions for Trooper Derek Walker, Trooper Michael Kennedy, and any other members of law enforcement relating to November 19, 2018 incident in Martinsburg involving Trooper Derek Walker and Trooper Michael Kennedy and a 16 year-old male.

A search has been conducted and the West Virginia State Police is not in possession of any records pursuant to your request.

6. Any and all documents received and/or reviewed by any person or employee at the West Virginia State Police Department relating to November 19, 2018 incident in Martinsburg involving Trooper Derek Walker and Trooper Michael Kennedy and a 16 year-old male.

Your request is denied as this concerns an active matter, pursuant to West Virginia Code § 29B-1-4 the following exemption applies:(4) Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement.

Pursuant to West Virginia Code § 29B-1-3 et seq., the responsibility of the custodian of any public records or public body to produce the requested records for documents is at an end.

By Direction of the Superintendent,



Captain C.A. Light
Deputy Chief of Field Services